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## 6 IN THE UNITED STATES DISTRICT COURT

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## 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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MARCIO FOREMAN,

No. C 08-2233 WHA (PR)

Plaintiff,

**ORDER OF TRANSFER**

v.

S. MOORE, et al.,

Defendants.

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This is a civil rights case brought pro se by a state prisoner. The acts complained of occurred at the Deuel Vocational Institution in Tracy, which is in the venue of the United States District Court for the Eastern District of California. Defendants, who are prison employees, appear to reside there as well. Venue, therefore, properly lies in that district and not in this one. *See 28 U.S.C. § 1391(b).*

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This case is **TRANSFERRED** to the United States District Court for the Eastern District of California. *See 28 U.S.C. § 1406(a).* In view of the transfer, the Court will not rule upon plaintiff's request for leave to proceed in forma pauperis.

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**IT IS SO ORDERED.**

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Dated: May 5, 2008.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MARCIO FOREMAN,

Case Number: CV08-02233 WHA

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

S MOORE et al,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 5, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Marcio Foreman  
F-97105/ F Dorm #20  
Deuel Correctional Facility  
PO Box 600  
Tracy, CA 95378

Dated: May 5, 2008

Richard W. Wiking, Clerk  
By: D. Toland, Deputy Clerk